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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALFONSO RIVERA-AVALOS, et al.,

Defendants.

2:09-CR-262 JCM (RJJ)

ORDER

Presently before the court is the matter of *The United States of America v. Rivera-Avalos, et al.*, case number 2:09-cr-262-JCM-GWF.

On October 29, 2013, attorney Lisa Rasmussen, specially appearing on behalf of petitioner Juan Rodriguez and as a friend to the court, filed a motion to amend or vacate under 28 U.S.C. § 2255. (Doc. # 311). That motion identified the relevant procedural history and briefly identified the proposed claims. The motion did not contain any relevant points or legal authority, but indicated that, if the court appointed her as counsel, Ms. Rasmussen would file an amended motion containing the requisite points and authorities. (*See id.*). The following day, Ms. Rasmussen, again acting on behalf of petitioner and as a friend to the court, filed a motion to appoint herself as counsel for petitioner. (Doc. # 312). The court granted that motion on December 18, 2013. (Doc. # 318).

With good cause appearing, and in consideration of the government's position that it does not oppose the filing of an amended motion (*see doc. # 319*), the court hereby dismisses the original motion (doc. # 311) without prejudice so that it may be re-filed and briefed according to the schedule

1 set forth below.

2 Accordingly,

3 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that petitioner Juan Rodriguez's
4 motion to vacate under 28 U.S.C. § 2255 (doc. # 311) be, and the same hereby is, DENIED without
5 prejudice.

6 IT IS FURTHER ORDERED that petitioner shall file an amended motion to vacate under
7 28 U.S.C. § 2255 no later than February 28, 2014; the government shall file its response no later than
8 March 28, 2014; and petitioner shall file his reply no later than April 18, 2014.

9 DATED January 15, 2014.

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12 **UNITED STATES DISTRICT JUDGE**